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09/557,035	04/21/2000	Ryoji Amemiya	SONY-TO488	6480

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ALEXANDRIA, VA 22314

EXAMINER
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WANG, JIN CHENG

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 07/17/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/557,035

Applicant(s)

AMEMIYA, RYOJI

Examiner

Jin-Cheng Wang

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The amended claim 1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. “rotating the selected image according to a rotation of said display screen” is not enabled in the specification. The specification however only mentions rotating a window among multi-window screens.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. U.S. Patent No. 6,137,468 (hereinafter Martinez).

5. Claim 1:

Art Unit: 2672

Martinez teaches an information processing apparatus (e.g., figure 2) comprising:

A display screen (e.g., figures 4A-4D; column 3, lines 5-25);

Posture detecting means for detecting an angular component of a change of posture of the display screen (e.g., figure 7; column 5, lines 5-39);

Displaying direction control means for displaying a plurality of images on said display screen, and for controlling a direction of display or a selected image (figures 6A-6C) from the plurality of images by rotating the selected image according to a rotation of said display screen determined by said posture detecting means (e.g., figure 10; column 4, lines 40-50; column 5, lines 40-67; column 6, lines 1-67; column 7, lines 1-20).

Claim 2:

Claim 2 recites all the limitations of claim 1 and adds the limitation of a plurality of windows. Martinez clearly teaches a plurality of windows (e.g., figures 5A-5C; column 4, lines 40-50; column 5, lines 40-67; column 6, lines 1-67; column 7, lines 1-20).

Claim 3:

Martinez teaches an information processing apparatus (figure 2) comprising:

A display screen (e.g., figures 4A-4D; column 3, lines 5-25);

Posture detecting means for detecting an angular component of a change of posture of the display screen (e.g., figure 7; column 5, lines 5-39);

Displaying direction control means for displaying an image on said display screen, and for controlling a direction of display of the image by rotating said image (e.g., figures 6A-6C) according to a rotation of the display screen determined by said posture detecting means; wherein said displaying direction control means controls the direction of display of said image

Art Unit: 2672

by rotating said image according to the rotation of the display screen beyond a predetermined (e.g., figure 10; column 4, lines 40-50; column 5, lines 40-67; column 6, lines 1-67; column 7, lines 1-20).

Claim 4:

The claim 4 encompasses the same scope of invention as that of claim 3 except additional claimed limitation that the displaying direction control means controls the direction of display of said image by rotating said image when the display screen remains rotated beyond the predetermined range after a predetermined time. However, Martinez further discloses the claimed limitation that the displaying direction control means controls the direction of display of said image by rotating said image when the display screen remains rotated beyond the predetermined range after a predetermined time (e.g., figure 10; column 4, lines 40-50; column 5, lines 40-67; column 6, lines 1-67; column 7, lines 1-20).

Claim 5:

The claim 5 encompasses the same scope of invention as that of claim 1 except additional claimed limitation that the displaying direction control means controls the direction of display of said selected image by rotating said selected image according to the rotation of the display screen beyond a predetermined range. However, Martinez further discloses the claimed limitation that the displaying direction control means controls the direction of display of said selected image by rotating said selected image according to the rotation of the display screen beyond a predetermined range (e.g., figure 10; column 4, lines 40-50; column 5, lines 40-67; column 6, lines 1-67; column 7, lines 1-20).

Art Unit: 2672

Claim 6:

The claim 6 encompasses the same scope of invention as that of claim 5 except additional claimed limitation that the displaying direction control means controls the direction of display of said selected image by rotating said selected image when the display screen remains rotated beyond the predetermined range after a predetermined time.

However, Martinez further discloses the claimed limitation that the displaying direction control means controls the direction of display of said selected image by rotating said selected image when the display screen remains rotated beyond the predetermined range after a predetermined time (e.g., figure 10; column 4, lines 40-50; column 5, lines 40-67; column 6, lines 1-67; column 7, lines 1-20).

6. Claims 7-12:

The claims 7-12 are a rephrasing of claims 1-6 in a method form, respectively. The claims are rejected for the same reason as set forth in claim 1-6.

7. Claims 13-17:

The claims 13-17 encompass the same scope of invention as those of claims 1, 3-6 except additional claimed limitation of "the medium for storing the program". However, Martinez further discloses the claimed limitation of "the medium for storing the program." (figure 2; column 7, lines 20-35).

***Remarks***

Art Unit: 2672

8. Applicant's arguments, filed 06/16/2003, paper number 11, have been fully considered but they are not deemed to be persuasive.

9. Applicant argues in essence with respect to claim 1 and similar claims that:

"Specifically, Applicants have amended independent Claim 1 to recite 'rotating the selected image according to a rotation of said display screen' in place of the previous recitation of 'rotating arbitrary one of said image information previously selected in parallel with said display surface'... Thus, for at least these reasons, Applicants respectfully request that the rejection of the claims under 35 U.S.C. 122, first paragraph, be withdrawn."

This is not found persuasive for the following reasons:

In column 46, lines 15-24 of Applicant's specification, it is stated "Thus, as illustrated in Fig. 19, when the user checks in the check box 123 associated with 'switch display' in the pull down menu 122, for example, in the first window 117 of the first to third windows 117 to 119, a change in the posture of the display section 3, if any, can cause only the first window 117 to be rotated about an intersection point P of its diagonals to change the orientation in which the first window 117 is displayed, and the remaining second and third windows 118, 119 and the desktop screen 124 to be displayed as they are without changing the display orientation."

Therefore, Applicant only describes rotating a selected window according to a change in the posture of the display screen.

10. Applicant argues in essence with respect to claim 1 and similar claims that:

Art Unit: 2672

“Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance.”

This is not found persuasive because of the following reasons:

The present amendment necessitated a new ground for rejection set forth in this Office Action. A new search and consideration render the amended claims unallowable because

Martinez teaches an information processing apparatus (e.g., figure 2) comprising:

A display screen (e.g., figures 4A-4D; column 3, lines 5-25);

Posture detecting means for detecting an angular component of a change of posture of the display screen (e.g., figure 7; column 5, lines 5-39);

Displaying direction control means for displaying a plurality of images on said display screen, and for controlling a direction of display or a selected image (e.g., figures 6A-6C) from the plurality of images by rotating the selected image according to a rotation of said display screen determined by said posture detecting means (e.g., figure 10; column 4, lines 40-50; column 5, lines 40-67; column 6, lines 1-67; column 7, lines 1-20).

Therefore, Martinez fulfills the amended claim 1 as currently drafted.

### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Art Unit: 2672

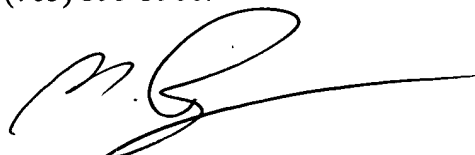
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (703) 605-1213. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 395-3900.

jcw  
July 12, 2003



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600